

SENATE BILL 2941
By Fowler

AN ACT to amend Tennessee Code Annotated, Section 39-15-201, relative to remedies against persons who compel, coerce or exercise duress on a person to obtain or procure an abortion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-201(b)(3), is amended by deleting the language "is guilty of a misdemeanor. A violation of this section is a Class A misdemeanor.", and by substituting instead the language "commits an offense. A violation of this provision is a Class E felony."

SECTION 2. Tennessee Code Annotated, Section 39-15-201(b)(3), is further amended by adding the following language at the end of the subdivision:

For purposes of this section, "coerces" shall include, but is not limited to, knowingly or intentionally giving false information or withholding information about a pregnancy in violation of the provisions of §39-15-202 in order to influence a person to obtain or procure an abortion.

SECTION 3. Tennessee Code Annotated, Section 39-15-201, is amended by adding the following language as new, appropriately designated subsections:

() (1) A person with standing may maintain an action against any facility which, or employee, officer, director or owner of the facility or any other person who, knowingly violates the provisions of this section. Those persons with standing are:

- (A) The attorney general and reporter;
- (B) District attorneys general;

(C) The department of human services;

(D) A woman upon whom an abortion has been performed or attempted to be performed as a result of a violation of the provisions of this section;

(E) The parent of a minor upon whom an abortion has been performed or attempted to be performed as a result of a violation of the provisions of this section; or

(F) The spouse of a woman upon whom an abortion has been performed or attempted to be performed as a result of a violation of the provisions of this section.

(2) In such actions brought by any person with standing pursuant to subdivisions (A), (B) or (C) , the plaintiff may recover treble the amount of actual damages sustained by the person on whom an abortion has been performed or attempted to be performed as determined by the finder of fact, punitive damages of not less than ten thousand dollars (\$10,000), reasonable attorneys fees and costs. Any such damages awarded in such actions shall be paid over to the department of revenue for deposit in the criminal injuries compensation fund.

(3) In such actions brought by any persons with standing pursuant to subdivisions (D), (E) or (F) the plaintiff may recover treble the amount of actual damages sustained by the plaintiff as determined by the finder of fact, punitive damages of not less than ten thousand dollars (\$10,000), reasonable attorneys fees and costs.

(4) No person shall be estopped from recovery in such a suit on the ground that either the plaintiff or the person upon whom the abortion was performed gave consent to the abortion. Any contract of indemnification for such damages is void.

() The penalties provided in this section do not preclude victims or their families from seeking any other remedies, criminal, or civil, otherwise available under law.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

